

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JUSTIN FLICKINGER,

Plaintiff,

v.

**Civil Action 2:24-cv-2438
Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura**

**BANK OF AMERICA CORPORATION,
et al.,**

Defendants.

REPORT AND RECOMMENDATION

Plaintiff's original Complaint (ECF No. 1) and Amended Complaint (ECF No. 2) assert claims against, among others, LJM Management, LLC ("LJM") and a Defendant identified as "John Doe." On August 21, 2024, because the docket did not reflect that Plaintiff had effected service of process over LJM or John Doe as required by Federal Rule of Civil Procedure 4(m), the Court issued an order for Plaintiff to show cause within fourteen days why the Court should not dismiss this action as to LJM and John Doe without prejudice for failure to effect service, and why the Court should allow an extension of time to effect service.

To date, Plaintiff has not responded to the Show Cause Order or effected service of process over the Defendants. It is therefore **RECOMMENDED** that Plaintiff's claims against LJM Management, LLC, and John Doe be dismissed without prejudice pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE